

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

EDDIE OGLETREE, and individual,)	
GERAL STEPHENS, an individual,)	
)	
Plaintiffs,)	
)	CV: 3:07-cv-867-WKW
v.)	
)	
CITY OF AUBURN, et al.,)	
)	
Defendants.)	
)	
CWH RESEARCH, INC.,)	
)	
Third-Party Defendant)	

ANSWER

CWH Research, Inc. ("CWH") answers the City of Auburn's ("Auburn") Third-Party Complaint as follows:

1. Admitted.
2. Admitted.
3. Denied. Auburn has not incurred over \$75,000 in defense or liability costs in the aggregate.
4. The document marked as Exhibit A to Auburn's Third-Party Complaint speaks for itself.
5. Denied.
6. Exhibit A to Auburn's Third-Party Complaint speaks for itself.

7. CWH adopts and incorporates herein all responses to paragraphs 1-6 of the Third-Party Complaint.

8. CWH recognizes that Auburn denies that it discriminated against Chris Turner and agrees that the testing procedure provided by CWH was not discriminatory in practice or application. CWH denies the remainder of Paragraph 8 of the Third-Party Complaint.

9. CWH adopts and incorporates herein all responses to paragraphs 1-8 of the Third-Party Complaint.

10. CWH recognizes that Auburn denies that it discriminated against Chris Turner and agrees that the testing procedure provided by CWH was not discriminatory in practice or application. CWH denies the remainder of Paragraph 8 of the Third-Party Complaint.

AFFIRMATIVE DEFENSES

The City of Auburn was contributorily negligent.

/s/ William K. Hancock
William K. Hancock

/s/ Ray A. Carle
Ray A. Carle

Attorneys for CWH Research, Inc.

OF COUNSEL:

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CERTIFICATE OF SERVICE

I hereby certify that on May 5, 2008, I electronically filed same using the CMEF system which will electronically notify all attorneys of record.

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